

IV. REMARKS

Claims 1-24 are pending in this application. By this Amendment, the specification and claims 1, 12, 16, 17 and 20 have been amended. The above amendments and the following remarks are being made to facilitate early allowance of the presently claimed subject matter. Applicants do not acquiesce in the correctness of the rejections and objections and reserves the right to present specific arguments regarding any rejected or objected to claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, the drawings were alleged to be not in compliance with 37 CFR 1.121(d) in that reference characters on figures 1 and 3 are handwritten. Corrected drawings are requested by the Examiner. Applicants respectfully respond that fully compliant, formal drawings (i.e., including machine-generated reference characters throughout) were previously transmitted to the Patent Office on January 8, 2002. Attached, as evidence thereof, are copies of a post marked submittal card (i.e., with January 28, 2002 PTO received stamp thereon) and a Certified Transmittal of Formal Drawings, signed on January 8, 2002, by Applicants' representatives. Accordingly, Applicants traverse the rejection and submit that the drawings for the application are currently fully compliant.

In the Office Action, the drawings were objected to regarding element number 32 and 100A-F. The abstract, portions of the specification and claim 17 are objected to. The specification and claim 7 have been amended to address the objections. Accordingly, Applicants request withdrawal of the objections.

In the Office Action, claims 1, 3-4, 6-7, 9-11, 16, 18-20, and 22-24 are rejected under 35 U.S.C. §102(b) as being anticipated by O'Flaherty et al. (US 6,275,824), hereinafter "O'Flaherty". Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over O'Flaherty. Claim 8 is rejected over O'Flaherty in view of Scott et al. (US Patent Application Publication 2002/0082996), hereinafter "Scott". Claims 2, 12-15, 17, and 21 are rejected over O'Flaherty and further in view of Howard, JR. et al. (US Patent Application Publication 2001/0026619), hereinafter "Howard". Applicants respectfully submit that the present invention is patentable for the reasons stated below.

With respect to claim 1, for example, O'Flaherty fails to disclose each and every claimed feature, as is required under 35 USC 102, and therefore do not anticipate the claimed invention. O'Flaherty does not teach, or suggest, at least two aspects in the present invention, as stated in the amended claims.

First, O'Flaherty does not teach, or suggest, "a data confidentiality system for identifying details in the received data as one of secret, temporarily secret, possibly secret, and not secret, wherein secret, temporarily secret and possibly secret comprise confidential details", as in claim 1 (and similarly claimed in independent claims 12, 16, and 20). To the contrary, the portion of the specification of O'Flaherty that Examiner alleges is a "data confidentiality system for identifying [] details" is found at column 8, lines 10-61. Office Action, page 4, item 8. A careful reading of this section, and O'Flaherty as a whole, shows no teaching, or suggestion, of any type of hierarchical type identifying of details (i.e., secret, temporarily secret, possibly secret, etc.), as in the present invention. In fact, O'Flaherty only pertains to masking via "dataviews" personal data/personal information.

Second, O'Flaherty does not teach, or suggest, "a data update system for periodically examining stored data to identify and expose any confidential details that have become non-confidential details", as in claim 1 (and similarly claimed in independent claims 12, 16, and 20). To the contrary, the portion of the specification of O'Flaherty that Examiner alleges is a "data update system for examining stored data and expose non-confidential details" is found at column 4, lines 60 – column 5, line 63. Office Action, page 4, item 8. Similarly, a careful reading of O'Flaherty, both the cited section of specification and on whole, indicates only the ability for a consumer to electively specify whether or not consumer's personal information may be accessed by others. This solely leaves sharing of personal information as a opt in/opt out type of decision by a consumer (i.e., an entity outside of the "system"). This is not teaching, nor is it obvious in view of, *inter alia* "periodically examining stored data" and "expose any confidential details that have become non-confidential details", as in the present invention. In view of the foregoing, O'Flaherty does not disclose the type of data confidentiality system and data update system that is found in the current invention. In view of the foregoing, O'Flaherty does not anticipate claim 1 of the current invention. Further, neither Scott nor Howard remedy the glaring deficiencies in O'Flaherty, discussed above. Accordingly, Applicants respectfully request withdrawal of the rejections.

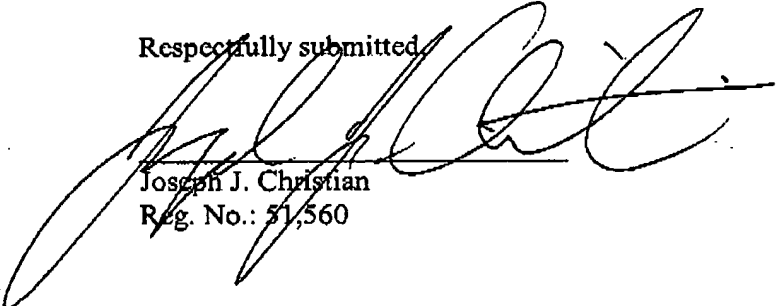
Similar arguments apply to independent claims 12, 16 and 20.

Claims 2-11 are dependent upon claim 1, claims 13-15 are dependent upon claim 12, claims 17-19 are dependent upon claim 16 and claims 21-24 are dependent upon claim 20. Applicants submit that those dependent claims are allowable for the same reasons stated above, as well as for their own additional features.

Applicants respectfully submit that the application is in condition for allowance. Should the Examiner believe that anything further is necessary to place the application in better condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

Date: December 27, 2005


Joseph J. Christian
Reg. No.: 51,560

Hoffman, Warnick & D'Alessandro LLC
75 State Street, 14th Floor
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)